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| EXAMINER | |
|---|---|
| TRUONG, THANHNGA B | |

| ART UNIT | PAPER NUMBER |
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| 2135 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/716,996 | WANISH ET AL. | |
| | Examiner | Art Unit | |
| | Thanhnga B. Truong | 2135 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *28 February 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Thanhnga B. Truong
AU2135

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

1. Applicant's amendment filed on February 28, 2007 has been entered. Claims 1-8 are pending. Claims 1, 4, 5, and 8 are amended by the applicant.

### *Response to Argument*

2. Applicant's arguments filed February 28, 2007 have been fully considered but are moot in view of the new ground(s) of rejection. The new ground(s) of rejection is addressed herein.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 3-5, 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wenisch et al (US 7,100,054 B2), and further in view of Garcia (US 7,178,033 B1).

a. *Referring to claim 1:*

i. Wenisch teaches a method for transmitting data through a computer network, the computer network including a first computer and a second computer both having a message sequence number stored therein (column 1, line 45 through column 2, line 10 of Wenisch), the method comprising:

(1) transmitting a message from the first computer to the second computer, the message including a message identifier, a user authentication portion (e.g., data fields) comprising an encrypted message sequence number, and a data portion (e.g., data fields) comprising encrypted data but not including user authentication data **(column 1, lines 45-67; column 4, line 62 through column 5, line 32);**

(2) decrypting the user authentication portion (e.g., data fields) of the message to authenticate the identity of the sending party who transmitted

the message without decrypting the data portion (e.g., data fields) of the message **(column 3, lines 58-63 and column 5, lines 7-18 of Wenisch);** and,

(3) when the identity of the sending party is authenticated, the second computer initiating transmission of the message sequence number and the encrypted data to a third computer **(column 5, lines 19-32 of Wenisch).**

ii. Although Wenisch teaches the method for transmitting data through a computer network, the computer network including a first computer and a second computer both having a message sequence number stored therein (column 1, line 45 through column 2, line 10 of Wenisch), wherein Wenisch is using the data fields, such as the username, and the password or other credentials in encrypted form (column x, lines x-x of Wenisch), which is similar to that of using portion of data in the encryption/decryption process. On the other hand, Garcia teaches this portion of data in encryption/decryption process in **Figures 1 and 3; and more details in column 3, lines 7-25 and column 14, lines 16-21 of Garcia**.

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of Wenisch with the teaching of Garcia for protecting data in an enterprise environment, and more particularly, relates to a method and apparatus for securing digital assets (e.g. electronic data) **(column 1, lines 23-26 of Garcia).**

vi. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Wenisch with the teaching of Garcia to provide more effective ways to secure and protect digital assets at all times **(column 2, lines 43-44 of Garcia).**

b. *Referring to claim 3:*

i. Wenisch further teaches:

(1) the message sequence number is initialized as a randomly generated number in one of the first and second computers **(column 4, lines 44-48 of Wenisch).**

c. *Referring to claim 4:*

i. Wenisch further teaches:

(1) the third computer decrypting the encrypted data transmitted by the first computer and received by the second computer using the message sequence number **(column 3, lines 58-63 of Wenisch).**

d. *Referring to claim 5:*

i. Wenisch teaches a computer network (column 2, lines 62-66 of Wenisch), comprising:

(1) a first computer operably communicating with a second computer, both the first and second computers having a predetermined message sequence number stored therein **(column 2, lines 62-66 and column 3, lines 34-41 of Wenisch);**

(2) a third computer operably communicating with the second computer **(column 2, lines 62-66 of Wenisch);**

(3) the first computer configured to transmit a message containing a message identifier, a user authentication portion comprising an encrypted message sequence number, and a data portion comprising encrypted data but not including user authentication data to the second computer, the second computer configured to decrypt the user authentication portion of the message to authenticate the identity of the sending party who transmitted the message without decrypting the data portion of the message; the second computer further configured to transmit the sequence number and the encrypted data to the third computer after the identity of the sending party is authenticated by the second computer **(column 2, lines 62-67 through column 3, lines 1-64 of Wenisch).**

ii. Although Wenisch teaches a computer network (column 2, lines 62-66 of Wenisch), wherein Wenisch is using the data fields, such as the username, and the password or other credentials in encrypted form (column x, lines x-x of Wenisch), which is similar to that of using portion of data in the encryption/decryption process. On the other hand, Garcia teaches this portion of data in

encryption/decryption process in **Figures 1 and 3; and more details in column 3, lines 7-25 and column 14, lines 16-21 of Garcia.**

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of Wenisch with the teaching of Garcia for protecting data in an enterprise environment, and more particularly, relates to a method and apparatus for securing digital assets (e.g. electronic data) **(column 1, lines 23-26 of Garcia).**

vi. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Wenisch with the teaching of Garcia to provide more effective ways to secure and protect digital assets at all times **(column 2, lines 43-44 of Garcia).**

e. *Referring to claim 7:*

i. Wenisch further teaches:

(1) wherein the message sequence number is initialized as a randomly generated number in one of the first and second computers **(column 4, lines 44-48 of Wenisch).**

f. *Referring to claim 8:*

i. Wenisch further teaches:

(1) wherein the third computer is further configured to decrypt the encrypted data transmitted by the first computer and received by the second computer using the message sequence number **(column 3, lines 58-63 of Wenisch).**

5. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wenisch et al (US 7,100,054 B2), in view of Garcia (US 7,178,033 B1), and further in view of Marino et al (US 6,026,165).

a. *Referring to claim 2 and 6:*

i. The combination of teaching between Wenisch and Garcia teaches the sequence number in column 1, lines 53-55 of Wenisch. However they are

silent on the capability of incrementing the sequence number. On the other hand, Marino teaches:

(1) wherein the message sequence number is incremented in both the first computer and the second computer for each subsequent message transmitted from the first computer to the second computer **(see Figure 2 and more details in column 7, lines 32-50 of Marino).**

ii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the combination of teaching between Wenisch and Garcia with the teaching of Marino in order to enhance the system security **(column 1, line 9 of Marino).**

iii. The ordinary skilled person would have been motivated to:

(1) have modified the combination of teaching between Wenisch and Garcia with the teaching of Marino to improvements in encryption methodologies used in a wireless data communications system suitable for use in a wireless security system **(column 3, lines 24-26 of Marino).**

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga (Tanya) Truong whose telephone number is 571-272-3858.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Thanhnga B. Truong
AU2135

TBT
April 29, 2007